Court No.3

Criminal Revision No. 269/2001
(Old No. 1030/1990)

Smt. Adarsh Pal Kaur ……. Revisionist.

Versus

State and others ……. Respondent.s

Hon'ble Irshad Hussain, J.

None appeared for the revisionist as despite efforts service of notice could not be affected on her because as per the report of the C.J.M. concerned she is not now residing at the address given in the petition. In this case it is difficult to serve the notice on the revisionist for want of her proper address. The service on her therefore has to be waived.

Heard learned A.G.A. and perused the record of the case.

From the perusal of the judgment of the learned Magistrate it is evident that the allegations of ill-treatment and harassment of the revisionist- wife were not proved by the evidence produced in the case. The complaint-revisionist Smt. Adarsh Pal Kaur herself could not tell as to when the demand for dowry in terms of money was made from her by the husband and his family members. She had stated that she fell ill in the year 1986 but medical treatment to her was not provided by the husband and others. Contrary to this her witness Om Prakash P.W.2 gave out that she was admitted in the hospital at Bareilly and was given medical treatment there. The other witnesses were also examined but their evidence on fair appraisal was also not found reliable. Not a single witness of the vicinity of the house of the accused where the revisionist was residing was produced and taking into account this aspect also and the evidence of other witnesses learned Magistrate was of the opinion that the allegations were not established beyond doubt against the accused-respondents. Giving benefit of doubt, they were acquitted of the charge U/S 498-A of Indian Penal Code. Having considered these aspects there appear to be no justification to interfere with the impugned judgment and order passed by the learned Magistrate. There being no merit in this revision, the same is dismissed. Consign.

(Irshad Hussain, J.)

Dated 1-9-2003

ISB